

Notice of Allowability	Application No.	Applicant(s)	
	10/731,108	WERPY ET AL.	
	Examiner	Art Unit	
	Robert Shiao, Ph. D.	1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on May 17, 2006.
2. ☒ The allowed claim(s) is/are 1-15, 45-51, now are 1-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|--|

DETAILED ACTION

1. This application claims priority of the provisional application: 60/435,469 with a filing date 12/20/2002.
2. Amendment of claims 1 and 51, cancellation of claims 16-44, and a terminal disclaimer in the amendment filed on May 17, 2006, is acknowledged. Claims 1-15 and 45-51 are pending in the application.

Responses to Amendment/Arguments

3. The rejection of claims 1-15 and 45-51 under 35 U.S.C. 112, second paragraph, has been overcome in the amendment filed on May 17, 2006.
4. Applicant's arguments regarding the rejection of claims 1-15 and 45-51 under 35 U.S.C. 103(a) filed on May 17, 2006, have been fully considered and they are persuasive. Since each of the four cited references, Werpy et al. US 6,603,021, Werpy et al. US 6,706,893, Werpy et al. US 6,632,951 or Werpy et al. US 6,670,483, and the present application were commonly owned by Battelle Memorial Institute at the time the invention was made, they are not qualified as prior art in accordance with 35 U.S.C. 103(c). The rejection of claims 1-15 and 45-51 under 35 U.S.C. 103(a) has been withdrawn herein.
5. Since the terminal disclaimer has been approved in the Office, therefore, the rejection of claims 1-15 and 45-51 under obviousness-type double patenting over Werpy et al. US 6,603,021, Werpy et al. US 6,706,893, Werpy et al. US 6,632,951, or

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Werpy et al. US 6,670,483, has been overcome in the amendment filed on May 17, 2006.

Reasons for Allowance

6. The following is an examiner's statement of reasons for allowance:

Claims 1-15 and 45-51 are neither anticipated nor rendered obvious over the art of record, and therefore are allowable. This invention relates to process for producing cyclic compounds. The closest reference is Matson et al. US 4,800,227, which discloses process for the production of lactams. The difference between Matson et al. and instant claims is that the instant processes are not found. A suggestion for modification of above record to obtain the instant claimed processes has not been found. Claims 1-15 and 45-51 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

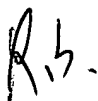
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Shiao whose telephone number is (571) 272-0707. The examiner can normally be reached on 8:30 AM - 5:00 PM.

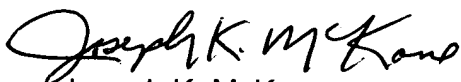
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert Shiao, Ph.D.
Patent Examiner
Art Unit 1626



Joseph K. McKane
Supervisory Patent Examiner
Art Unit 1626

June 30, 2006